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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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DUANE MORRIS, LLP IP DEPARTMENT 30 SOUTH 17TH STREET PHILADELPHIA, PA 19103-4196			STIMPAK, JOHNNA	
			ART UNIT	PAPER NUMBER
			3623	

DATE MAILED: 11/23/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/660,409	Applicant(s) SAFAEI ET AL.	
	Examiner Johnna R. Loftis	Art Unit 3623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 September 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-35 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-35 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. The following is a final office action upon examination of application number 10/660,409. Claims 1, 2, 4, 7, 10-13, 15-17, 19, 22, 25-28, 30, 32 and 34 have been amended. Claims 1-35 are pending and have been examined on the merits discussed below.

Response to Arguments

2. Previous rejections under 35 USC 112, 2nd paragraph have been withdrawn. Applicant's amendments to claims 1, 13, 15, 16, 28, 30 and 32 are sufficient to overcome previous 112, 2nd paragraph rejections.
3. Applicant's arguments with respect to claims 1-35 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. **Claims 1-10, 12-25 and 27-35** are rejected under 35 U.S.C. 103(a) as being unpatentable over Colby et al, US 6,480,836.

As per **claim 1 (amended)**, Colby et al teaches enabling a user of a computer to query data representing sales for a plurality of retailers based on at least one criterion from a predetermined list of criteria (column 7, lines 42-61 – user submits queries requesting sales totals

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per some time period, per some store or geographical area); and causing display of a table on a computer, said table containing a listing of a subset of lottery retailers from said plurality of lottery retailers that meet said at least one criterion, said table further containing data representing lottery ticket sales associated with said subset of retailers (column 7, lines 42-61 – upon submitting query, the table displayed will only have data for which query was submitted – query is based on time period, store or geographical area). Colby et al does not explicitly teach calculating values of an index for the retailers in the subset, said index representing a normalized comparison of sales performance of each of the lottery retailers in the subset relative to the subset of retailers and providing those values for display by the computer. However, it is old and well known to normalize data, specifically sales data, since it is more meaningful to compare a percentage of sales rather than the absolute volume of sales. This normalization will give you a proportion of total sales for the entire subset that is easier to understand for comparison purposes. By normalizing the data of Colby et al the user can make easier comparison between retailer sales.

As per **claim 2 (amended)**, Colby et al teaches displaying a table with said computer, said table containing a listing of the plurality of lottery retailers and data representing lottery ticket sales associated with said plurality of lottery retailers (column 7, lines 42-47 – a sales detail table is displayed, which inherently lists the retailers and sales data); and displaying query prompts along with said table for selecting said at least one criterion for said query (column 7, lines 42 – 60 – user can submit a query based on, for example, sales totals per some time period, per some store, inherently there is a query prompt if the user is able to submit a query to request sales information).

As per **claim 3**, Colby et al teaches said query includes multiple conditions (column 7, lines 42 – 60 – user can submit a query based on, for example, sales totals per some time period, per some store).

As per **claim 4 (amended)**, Colby et al teaches the values are displayed in said table (column 7, lines 62-67 – a request can be made for a report that compares sales totals for specific products during specific quarters; since the queries in Colby et al can be based on per store, inherently, a request could be made for a report comparing sales totals for each of the stores).

As per **claim 5**, Colby et al teaches only data corresponding to the subset of the retailers that satisfy the query are included in the display table (column 7, lines 42 – 60 – user can submit a query based on, for example, sales totals per some time period, per some store, the table that is displayed only shows the data for which the query is submitted).

As per **claim 6**, Colby et al teaches data representing sales associated with said subset of retailers represent total sales of said subset, average transaction value of said subset or both (column 7, lines 62-67 – a request can be made for a report that compares sales totals for specific products during specific quarters; since the queries in Colby et al can be based on per store, inherently, a request could be made for a report comparing sales totals for each of the stores; the table that is displayed only shows the data for which the query is submitted).

As per **claim 7 (amended)**, Colby et al teaches said sales data representing total sales represent total sales by time period, by lottery game or by combination thereof, said method further comprising the step of providing said sales data representing said total sales for display to said user by said computer in a display selected from the group consisting of a pie chart and a graph (column 7, lines 62-67 – a request can be made for a report that compares sales totals for

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specific products during specific quarters; since the queries in Colby et al can be based on sales per time period, inherently, a request could be made for a report comparing sales totals for a specified time period; the table (chart) that is displayed only shows the data for which the query is submitted; inherently since the requested report is in table form, the data could also be requested in pie chart or graph form).

As per **claim 8**, Colby et al teaches the step of automatically generating and displaying a summary report of said data representing sales associated with said subset of retailers (column 7, line 62 – column 8, line 5 – in anticipation of a request for a specific query, the database administer automatically prepares a report in a table; column 7, lines 62-67 - a report is generated that compares sales totals for specific products during specific quarters; since the queries in Colby et al can be based on per store, inherently, a request is made for a report comparing sales totals for each of the stores; the table that is displayed only shows the data for which the query is submitted).

As per **claim 9**, Colby et al teaches receiving a modification to the query input by the user; and dynamically redisplaying said table in accordance with said modification (column 7, lines 42-67 – the user can submit a plurality of queries based on any combination of time period, store, product, etc., if the user submits a query based on time period and then changes his/her mind and resubmits a modified query, the same methodology will take place to display a table representing the modified query).

As per **claim 10**, Colby et al teaches the data are stored in a second computer, and the first computer used by the user is connected to the second computer by way of the Internet

(column 4, lines 56-60 and figure 3 – the client (inherently using a computer) sends query information to a database server (inherently a computer holding the data store) over a network).

As per **claim 12 (amended)**, Colby et al teaches displaying said computer a graphical presentation of sales data specific to a retailer selected by said user from said subset of retailers (column 7, lines 42-61 – user submits queries requesting sales totals per some time period, per some store or geographical area; results are shown in a table on a computer (graphical user interface)).

As per **claim 13 (amended)**, Colby et al teaches receiving a selection of at least one criterion from a predetermined set of criteria for displaying said graphical presentation (column 7, lines 42-61 – user submits queries requesting sales totals per some time period, per some store or geographical area; results are shown in a table on a computer (graphical user interface)); and displaying according to said at least one criterion selected by said user (column 7, lines 42-61 – upon submitting query, the table displayed will only have data for which query was submitted – query is based on time period, store or geographical area).

As per **claim 14**, Colby et al teaches at least one criterion for displaying said graphical presentation includes game type or time period or both (column 7, lines 62-67 – a request can be made for a report (shown on a computer screen) that compares sales totals for specific products during specific quarters; since the queries in Colby et al can be based on sales per time period, inherently, a request could be made for a report comparing sales totals for a specified time period; the table (chart) that is displayed only shows the data for which the query is submitted).

As per **claims 1-10 and 12-14** regarding analysis of lottery retailers, while Colby et al does not explicitly teach the system being used for analysis of lottery retailers, it would have

been obvious to one of ordinary skill to use the method in Colby et al to query lottery retailer sales data since Colby et al is used to query retail sales data based on time period, store and/or geographic area (column 7, lines 42-61). Based on Colby et al, it is widely known that business owners used retail sales queries to compare sales totals for specific products for specific time periods. By applying the well known advantages of Colby et al to a lottery retailer, the lottery establishment will be able to determine which lottery games to introduce or discontinue which will lead to a more successful lottery business.

Claim 15 teaches a computer readable medium with computer program code to perform the steps of claim 1, therefore since Colby et al teaches the use of computer the same rejection as applied to claim 1 also applies to claim 15.

Claims 16-25 and 27-29 teach the computer-implemented system with means for performing the method of claims 1-10 and 12-14, therefore since Colby et al teaches a computer implemented system, the same rejection as applied to claims 1-10 and 12-14 also applies to claims 16-25 and 27-29.

As per **claim 30 (amended)**, Colby et al teaches providing a table for display by a computer, the table containing data representing sales for a plurality of retailers, wherein said table contains values of an index that compares sales performance of each of the lottery retailers listed in said table (column 7, lines 42-61 – the database scheme includes sales dimension tables, a period dimension table, a store dimension table among others which show sales data for the stores; a aggregate tables are also taught such as a product_sales table in which sales data is compared); receiving from a user of the computer at least on criterion from a predetermined list

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of criteria for identifying a subset of retailers from said plurality of lottery retailers in said table (column 7, lines 42-61 –query is based on sales per time period, store or geographical area); and providing for display a modified table containing a listing of said subset of retailers from said plurality of retailers that meet said at least one criterion, said table further containing data representing sales associated with said subset of retailers, wherein the calculated values for said subset of lottery retailers are displayed in said table (column 7, lines 42-67 - upon submitting query, the table displayed will only have data for which query was submitted; a request can be made for a report that compares sales totals for specific products during specific quarters; since the queries in Colby et al can be based on per store, inherently, a request could be made for a report comparing sales totals for each of the stores; the table that is displayed only shows the data for which the query is submitted). Colby et al does not explicitly teach calculating values of an index relative to the subset. However, it is old and well known to normalize data, specifically sales data, since it is more meaningful to compare a percentage of sales rather than the absolute volume of sales. This normalization will give you a proportion of total sales for the entire subset that is easier to understand for comparison purposes. By normalizing the data of Colby et al the user can make easier comparison between retailer sales.

As per **claim 31**, Colby et al teaches only data corresponding to the subset of the retailers that satisfy the query are included in the modified table (column 7, lines 42-67 - upon submitting query, the table displayed will only have data for which query was submitted).

As per **claims 30 and 31** regarding analysis of lottery retailers, while Colby et al does not explicitly teach the system being used for analysis of lottery retailers, it would have been

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obvious to one of ordinary skill to use the method in Colby et al to query lottery retailer sales data since Colby et al is used to query retail sales data based on time period, store and/or geographic area (column 7, lines 42-61). Based on Colby et al, it is widely known that business owners used retail sales queries to compare sales totals for specific products for specific time periods. By applying the well known advantages of Colby et al to a lottery retailer, the lottery establishment will be able to determine which lottery games to introduce or discontinue which will lead to a more successful lottery business.

Claims 32 and 33 teach a computer readable medium with computer program code to perform the steps of claims 30 and 31, therefore since Colby et al teaches the use of computer the same rejection as applied to claims 30 and 31 also applies to claims 32 and 33.

Claims 34 and 35 teach the computer-implemented system with means for performing the method of claims 30 and 31, therefore since Colby et al teaches a computer implemented system; the same rejection as applied to claims 30 and 31 also applies to claims 34 and 35.

6. **Claims 11 and 26** are rejected under 35 U.S.C. 103(a) as being unpatentable over Colby et al, US 6,480,836 as applied to claims 1 and 16 above, in view of Johnson, "Map Out Your Profits".

As per **claim 11**, Colby et al does not explicitly teach displaying with said computer a map indicating a location of a retailer selected by said user from said subset of retailers, said retailer being displayed in a selectable format in said table. Colby et al does show the store dimension table that includes the street address of retail stores (fig. 5) and comparing sales data

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per store or per geographic area. Johnson teaches the use of Microsoft Mappoint is a well-known mapping tool used to map sales data and perform many functions involved with analyzing sales data. Since both Colby et al and Johnson are directed to evaluation of sales data, it would have been obvious to combine the sales analysis system of Colby et al, including the store address data, with Microsoft Mappoint to generate a map of the store location to visualize where the store is located and to aid the user in comparing performance of sales based on actual location of the stores.

As per **claim 26**, it is the system that performs the method of claim 11; therefore since Colby et al teaches a computer system, the same rejection as applied to claim 11 also applies to claim 26.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Kumar et al, US 6,834,266 – methods for estimating the seasonality of groups of similar items of commerce data sets based on historical sales data values and associated error information.

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO**

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MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Johnna R. Loftis whose telephone number is 571-272-6736. The examiner can normally be reached on M-F 8am-4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tariq Hafiz can be reached on 571-272-6729. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JL
11/21/05

Susanna Diaz
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